Calendar No. 480

100TH CONGRESS
1st Session

SENATE

REPORT
100-251

DELTA REGION PRESERVATION COMMISSION

DECEMBER 9 (legislative day, DECEMBER 8), 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany H.R. 2566]

The Committee on Energy and Natural Resources, to which was referred the Act (H.R. 2566), to amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes, having considered the same, reports favorably thereon without amendment and recommends that the Act do pass.

PURPOSE OF THE MEASURE

The purpose of H.R. 2566 is to extend the term of the Delta Region Preservation Commission from 10 to 20 years.

BACKGROUND AND NEED

The region of New Orleans and the western Acadian parishes of the Mississippi River delta have long been known for their varied cultures. On November 10, 1978 (Public Law 95-625), the national importance of this region was recognized; and the National Park Service was directed to establish the Jean Lafitte National Historical Park for the purpose of preserving for the education, inspiration, and benefit of present and future generations significant examples of natural and historical resources of the Mississippi Delta region and to provide for their interpretation in such manner as to portray the development of cultural diversity in the region. The park includes units in the Barataria and Big Oak Island area, the former Chalmette National Historical Park, and interpretive and administrative facilities in the French Quarter of New Orleans.

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The authorizing legislation also provides for inclusion, by cooperative agreements, of other natural and cultural resources representative of the development of regional cultural diversity. Historical forts and plantations and areas such as the Garden District of New Orleans and Acadian towns and villages were suggested as the kind of resources that may be considered for potential cooperative units. The National Park Service was directed to interpret cultural diversity and to preserve the basis for continuation of that diversity in a cooperative program with public and private entities as well as to provide visitor activities and use of the sites.

The authorizing legislation also established the Delta Region Preservation Commission to advise the National Park Service in the selection of cooperative agreements and in the development and implementation of a general management plan and a comprehensive interpretive program. Also, as stated in the Commission's charter:

> The commission shall inform interested members of the public, the State of Louisiana and its political subdivisions, and interested Federal agencies with respect to existing and proposed actions and programs having a material effect on the perpetuation of a high-quality natural and cultural environment in the delta region.

The Committee feels that the Commission has done an exemplary job in helping to support the National Park Service mission at Jean Lafitte National Historic Park and elsewhere in the region. The Commission is vital to the successful selection of future cooperative agreement sites in the Delta region and will help sustain the indigenous cultural traditions and regional character of the Delta.

Legislative History

H.R. 2566 passed the House on September 29. The Subcommittee on Public Lands, National Parks and Forests held a hearing on the measure on October 20, 1987.

At a business meeting on December 2, 1987, the Senate Committee on Energy and Natural Resources ordered H.R. 2566, favorably reported.

Committee Recommendations and Tabulation of Votes

The Senate Committee on Energy and Natural Resources, in open business session on December 2, 1987, by a unanimous vote of a quorum present recommends that the Senate do pass H.R. 2566, as described herein.

The rollcall vote on reporting the measure was 19 yeas, 0 nays as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford*	
Mr. Metzenbaum	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	

*Indicates voted by proxy.

Cost and Budgetary Considerations

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. Congress,
Congressional Budget Office,
Washington, DC, December 8, 1987.

Hon. J. Bennett Johnston, Jr.,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Dirksen Senate Office Building, Washington, DC.

Dear Mr. Chairman: The Congressional Budget Office has reviewed H.R. 2566, an act to amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes, as ordered reported by the Senate Committee on Energy and Natural Resources, December 2, 1987. Enactment of H.R. 2566 is expected to have no significant impact on the federal budget or on those of state or local governments.

H.R. 2566 would extend the term of the Delta Region Preservation Commission for an additonal ten years. The commission, which will terminate during fiscal year 1989 under current law, typically spends less than $1,000 annually. If the commission's term is extended, its future annual expenses would not be expected to exceed that amount.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,
Sincerely,

Edward M. Gramlich,
Acting Director.

Regulatory Impact Evaluation

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out H.R. 2566. The Act is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected in administering the program. Therefore, there would be no impact on personal privacy.

Little, if any, additional paperwork would result from the enactment of H.R. 2566, as reported.

Executive Communications

The pertinent legislative report received by the Committee from the Department of the Interior setting forth executive agency recommendations relating to H.R. 2566, is set forth below:

U.S. Department of the Interior,
Office of the Secretary,
Washington, DC, October 29, 1987.

Hon. J. Bennett Johnston,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

Dear Mr. Chairman: This responds to your request for our views on H.R. 2566, as passed by the House of Representatives, "To amend the National Parks and Recreation Act of 1978, as amended, to extend the term of the Delta Region Preservation Commission, and for other purposes."

We recommend enactment of H.R. 2566.

As passed by the House on September 29, 1987, H.R. 2566 would extend the term of the Delta Region Preservation Commission at Jean Lafitte National Historical Park, Louisiana, from ten to twenty years.

The region of New Orleans and the western Acadian parishes of the Mississippi River delta have long been known for their varied cultures—cultures in contact with land, river, marsh, and sea, and in contact with each other. On November 10, 1978 (Public Law 95-625), the national importance of this region was recognized. The National Park Service was directed to establish the Jean Lafitte National Historical Park for the purpose of preserving for the education, inspiration, and benefit of present and future generations significant examples of natural and historical resources of the Mississippi Delta region and to provide for their interpretation in such manner as to portray the development of cultural diversity in the region.

The park includes units in the Barataria and Big Oak Island area, the former Chalmette National Historical Park, and interpretive and administrative facilities in the French Quarter of New Orleans. The authorizing legislation also provided for inclusion, by cooperative agreements, of other natural and cultural resources representative of the development of regional cultural diversity. Historical forts and plantations, areas such as the garden district of New Orleans, and Acadian towns and villages were suggested as

the kinds of resources that may be considered for potential cooperative units. The National Park Service was directed to interpret cultural diversity and to preserve the basis for continuation of that diversity in a cooperative program with public and private entities, as well as to provide visitor activities and use of the sites.

The authorizing legislation also established the Delta Region Preservation Commission to advise the National Park Service in the selection of cooperative agreements and in the development and implementation of a general management plan and a comprehensive interpretive program. Also, as stated in the Commission's charter, "the commission shall inform interested members of the public, the State of Louisiana and its political subdivisions, and interested federal agencies with respect to existing and proposed actions and programs having a material effect on the perpetuation of a high-quality natural and cultural environment in the delta region."

The accomplishments of the Delta Region Preservation Commission include the following:

1. The Commission was instrumental in voicing its concerns about the failure of Jefferson Parish to adequately treat and dispose of sewage. As a result, the Environmental Protection Agency imposed a deadline on the parish for upgrading its sewage treatment facilities. Pollution of the Barataria estuary from poorly treated sewage threatened the continued viability of the oyster industry, which was vital to the perpetuation of traditional lifeways practiced by Yugoslavs, Acadians, Islenos, and other cultural groups in the delta.

2. The Commission has provided guidance to the National Park Service in the selection of the Acadian culture centers and in selecting and making the site available for the existing Islenos culture center.

3. The Commission was instrumental in convincing the State legislature to pass a law authorizing the donation of land to the Barataria Unit of Jean Lafitte National Historical Park.

4. The Commission was responsible for the Governor's authorization of concurrent law enforcement jurisdiction for National Park Service personnel at cooperative agreement sites.

In summary, the Commission has done an exemplary job in helping to support the National Park Service mission at Jean Lafitte National Historical Park. It is important to the successful selection of future cooperative agreemnt sites in the delta region and in helping to sustain the indigenous cultural traditions and regional character of the delta. Further, the annual cost for administering the Commission has always been under $500. Although entitled to reimbursement for reasonable expenses, Commission members have never asked for such reimbursement from the National Park Service.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

WILLIAM P. HORN,
Assistant Secretary.

CHANGING IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes the following changes in existing law made by the bill as reported (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, and existing law to which no change is proposed is shown in roman):

AN ACT To authorize additional appropriations for the acquisition of lands and interests in lands within the Sawtooth National Recreation Area in Idaho

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE AND TABLE OF CONTENTS

SECTION 1. This Act may be cited as the "National Parks and Recreation Act of 1978".

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TITLE IX—JEAN LAFITTE NATIONAL HISTORICAL PARK

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SEC. 907. (a) There is established the Delta Region Preservation Commission (hereinafter referred to as the "Commission"), which shall consist of the following:

* * * * * * *

(e) The Directors of the Heritage Conservation and Recreation Service and the National Park Service shall serve as ex offico members of the Commission and provide such staff support and technical services as may be necessary to carry out the functions of the Commission. The Commission shall terminate [ten years] *twenty years* from November 10, 1978.

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Calendar No. 485

100TH CONGRESS
1st Session

SENATE

REPORT
100-253

FOR THE RELIEF OF THE CITY OF MINOT, NORTH DAKOTA

DECEMBER 11 (legislative day, DECEMBER 8), 1987.—Ordered to be printed

Mr. JOHNSTON, from the Committee on Energy and Natural Resources, submitted the following

REPORT

[To accompany S. 641]

The Committee on Energy and Natural Resources, to which was referred the bill (S. 641) for the relief of the city of Minot, North Dakota, having considered the same, reports favorably thereon with amendments to the text and recommends that the bill, as amended, do pass.

The amendments are as follows:

1. On page 1, between lines 8 and 9 insert:

> (b) The relief from liability for repayment granted by subsection (a) shall be effective retroactive to January 1, 1978, the start of the city of Minot's repayment obligation under the 1972 repayment contract with the Bureau of Reclamation.

2. On page 1, line 9, strike "(b)" and insert in lieu thereof "(c)".

PURPOSE

As ordered reported, S. 641 would forgive the city of Minot, North Dakota, of repayment to the United States of $1,026,489.29 in capital costs and $360,123.32 in interest for the construction of excess capacity of the Minot Pipeline, a feature of the Minot Extension of the Garrison Diverson Unit of the Pick-Sloan Missouri

19-007

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Basin Program. The bill would also require the city to repay a proportional share of the costs of the pipeline should the excess capacity be utilized in the future.

BACKGROUND

The Garrison Diversion Unit was authorized by the Flood Control Act of 1944 and reauthorized for construction in 1965.

In 1970, the Congress authorized the Minot Extension of the Garrison Project which included the Minot Pipeline. The pipeline was constructed with sufficient capacity to carry water from a well field as well as water from the Missouri River to be delivered through facilities of the Garrison Project. The Minot Pipeline and the well field were completed. However, the Garrison Diversion Reformulation Act of 1986 deauthorized those facilities which would have delivered Missouri River Water to the Minot Pipeline. Hence, the pipeline has excess capacity which may never be used and the city objects to paying those costs associated with the excess capacity.

The repayment obligation of the city for costs of the Minot Extension is $3,781,560.51. The city has repaid $1,100,000 through July 1, 1987. The Bureau of Reclamation and the Minot City Auditor have agreed that the cost of the excess capacity is $1,026,489.29—the amount that would be forgiven by enactment of S. 641. The bill also relieves the city of the interest, which would have otherwise been charged on the amount forgiven.

LEGISLATIVE HISTORY

S. 641 was introduced on March 3, 1987, by Senators Burdick and Conrad. A hearing was held before the Subcommittee on Water and Power on August 5, 1987, at which time the Administration had no objection to passage of the bill.

On October 22, 1987, language similar to the text of S. 641 as ordered reported was adopted as an amendment by the House to S. 640 the "Water and Power Authorization Act of 1987," which passed the House on October 22 and is pending further action in the Senate.

On November 12, 1987, the text of S. 641 as herein ordered reported was adopted by the Senate as an amendment to H.R. 2700, the Energy and Water Development Appropriations Act for Fiscal Year 1988.

COMMITTEE RECOMMENDATIONS AND TABULATION OF VOTES

The Senate Committee on Energy and Natural Resources, in open business session on December 2, 1987, by unanimous vote of a quorum present, recommends that the Senate pass S. 641, if amended, as described herein.

The roll call vote on reporting the measure was 19 yeas, 0 nays, as follows:

YEAS	NAYS
Mr. Johnston	
Mr. Bumpers	
Mr. Ford*	
Mr. Metzenbaum	
Mr. Melcher	
Mr. Bradley	
Mr. Bingaman	
Mr. Wirth	
Mr. Fowler	
Mr. Conrad	
Mr. McClure	
Mr. Hatfield	
Mr. Weicker	
Mr. Domenici	
Mr. Wallop	
Mr. Murkowski	
Mr. Nickles	
Mr. Hecht	
Mr. Evans	

*Indicates vote by proxy.

COMMITTEE AMENDMENTS

1. The Administration suggested that the bill be clarified to indicate the date the reduction should take effect. The amendment provides that the reduction in repayment is retroactive to January 1, 1978, thereby also forgiving the repayment by the city of the interest associated with the construction costs of the unused capacity.
2. Conforming.

COST AND BUDGETARY CONSIDERATIONS

The following estimate of the cost of this measure has been provided by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, December 9, 1987.

Hon. J. BENNETT JOHNSTON, Jr.,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has reviewed S. 641, a bill for the relief of the city of Minot, North Dakota, as ordered reported by the Senate Committee on Energy and Natural Resources, December 2, 1987.

S. 641 would relieve the city of Minot of all liability to repay the construction and interest costs, totaling approximately $1.03 million, associated with the excess capacity of the Minot Pipeline.

Minot would be required to repay these costs if it utilizes the excess capacity in the future. Excess capacity was originally built into the pipeline in anticipation of additional water deliveries to the city when the Garrison Diversion project was completed. The Garrison Diversion Reformulation Act of 1986, however, deauthorized the project features that would have provided the city of Minot with the additional water. Since the federal government will not be providing the benefit for which Minot is supposed to pay, it appears unlikely that the $1.03 million would be collected, at least in the near future. Therefore, enactment of S. 641 would probably have no budget impact.

CBO estimates that enactment of this bill will result in no costs to state or local governments.

If you wish further details on this estimate, we will be pleased to provide them.

With best wishes,

Sincerely,

EDWARD M. GRAMLICH,
Acting Director.

REGULATORY IMPACT EVALUATION

In compliance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee makes the following evaluation of the regulatory impact which would be incurred in carrying out S. 641.

The bill is not a regulatory measure in the sense of imposing Government-established standards or significant economic responsibilities on private individuals and businesses.

No personal information would be collected as a result of the enactment of S. 641. Therefore, there would be no impact on personal privacy.

Little if any additional paperwork would result from the enactment of S. 641.

EXECUTIVE COMMUNICATIONS

The pertinent legislative report from the Department of the Interior setting forth Executive agency recommendations relating to S. 641 is set forth below:

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, DC, September 21, 1987.

Hon. J. BENNETT JOHNSTON,
Chairman, Committee on Energy and Natural Resources,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: This is in response to your request for our views on S. 641, a bill "For the relief of the city of Minot, North Dakota."

The Department has no objection to enactment of S. 641, which would relieve the city of Minot, North Dakota, of costs associated with the excess capacity of the Minot Pipeline constructed for use with the deauthorized Garrison Diversion Unit features.

The Garrison Diversion Unit, conceived in the 1944 Flood Control Act (58 Stat. 891), was reauthorized for construction in 1965. The initial reauthorization made no provision for the city of Minot water supply system. In the Act of September 25, 1970, Congress authorized the Minot Extension of the Garrison Diversion Unit. The authorization provided for first phase construction of the 3.4-mile Sundre Pipeline to develop the Sundre aquifer and a 3.7-mile segment of the Minot Pipeline leading to the city's water treatment plant. The second phase involved diversion of Garrison Diversion Unit water through the Velva Canal and construction of an additional pipeline and storage facilities connecting the Velva Canal with the Minot Pipeline. A portion of the Minot Pipeline was sized and constructed large enough to carry both Sundre water and Garrison Diversion Unit water. Section 1(e) of the Garrison Diversion Unit Reformulation Act of 1986 deauthorized the Velva Canal and other Garrison Diversion Unit facilities. Due to the project reformulation, no Garrison Diversion Unit water will be delivered through the Velva Canal.

On January 26, 1972, the city entered into a contract for the repayment of costs associated with the construction of the first stage of the Minot Extension Unit. The contract provided for the construction of the Sundre Pipeline and the first segment of the Minot Pipeline. The city's obligation under that contract is $3,781,560.51. The pipelines were constructed, and the city has made 18 payments totaling $1,100,000 through July 1, 1987. The last several payments were made under protest as the city believed that water would not be delivered through the Velva Canal. The city has requested the Bureau of Reclamation to cancel costs related to the capacity designed and constructed for Garrison Diversion Unit water which will be unused under the reformulated project. As stated in the proposed bill, a total of $1,026,489.29 for excess pipeline capacity was agreed upon by the Minot City Auditor and the Bureau of Reclamation. The proposed bill should be clarified to indicate the date the reduction should take effect. If the city is relieved of the $1,026,489.29, plus interest on the unpaid balance, which represents the loan reduction retroactive to January 1, 1978, the start of the city's repayment, the remaining obligation under the 1972 contract would be approximately $2,367,617.13. However, if the loan reduction is retroactive to May 12, 1986, the date the Garrison Diversion Unit Reformulation Act was enacted, the remaining obligation would be approximately $2,727,740.45. This is the only facility for which repayment has been initiated.

The Reformulation Act, its legislative history, documents submitted by the Department of the Interior in support of the Reformulation Act, and the Garrison Diversion Unit Commission Final Report are silent regarding the Minot Extension. The lack of mention of the Minot Extension in those documents leads to the conclusion that there is no relief from the existing repayment contract for the city of Minot in the Reformulation Act. However, the Garrison Reformulation Act makes nonreimbursable costs associated with unused capacity for other Garrison features, including Snake Creek Pumping Plant, McClusky Canal, and the New Rockford

Canal. We believe that the unused capacity of the Minot Extension resulting from Velva Canal should also be nonreimbursable. We note that provisions of S. 641 require the city of Minot to repay the United States for costs of unused capacity if the city ever uses the full capacity of the Minot Pipeline. Therefore, we have no objections to the proposed legislation.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

JAMES W. ZIGLAR,
Assistant Secretary.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of Rule XXVI of the Standing Rules of the Senate, the Committee notes that no changes in existing law are made by the bill S. 641, as reported.

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